

Remarks

With entry of this amendment, claims 1, 3, 5-11, 13, 14, 16, 18-22, 24, and 26 are pending in the application with claims 1, 14, and 26 being independent claims. By the foregoing amendment, claims 1, 3, 5, 8-10, 13, 14, 16, 18, 21, 22, and 24 are sought to be amended and claims 2, 4, 12, 15, 17, 23, and 25 are sought to be canceled. These changes are believed not to introduce new matter and their entry is respectfully requested.

Claim Rejection - 35 U.S.C. § 112

1. Claims 4-7, 17-20, and 26 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. The Office Action asserts that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

In response, Applicant has amended the specification to clarify the means by which the stop pin and stop pin assembly connector are attached to the hinge stabilizer bars. Applicant believes this amendment will bring the application into compliance with the requirement of 35 USC 112, first paragraph.

2. Claims 4-7, 17-20, and 26 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement. The Office Action asserts that the claims

contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make and/or use the invention. More specifically, it is asserted that there is no disclosed mechanism of selecting as claimed. There is no disclosure as to how members 248, 228 have any interaction with the remainder of the invention to enable these claims.

As discussed above in paragraph 1, Applicant has amended the specification to clarify the means by which the stop pin and stop pin assembly are connected to the hinge stabilizer bars. In addition, Applicant would respectfully like to draw the Examiner's attention to p. 10, lines 2-11; p. 12, line 6; p. 15, line 22 - p. 16, line 7; and p. 16, lines 13-20 which address the operation of the stop pin assembly.

Applicant respectfully submits that the combination of the drawings, the claims - especially claim 7, and the amended specification cause the application to comply with the enablement and written description requirement of the first paragraph of 35 USC 112. Applicant therefore respectfully requests withdrawal of the 35 USC 112, first paragraph rejections.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). It is asserted that the details of claims 4-7 and 17-20 must be shown in the drawings or the features canceled from the claims.

Applicant respectfully submits that the drawings show all of the elements claimed by Applicant. More specifically, Fig. 2 shows the stop pin assembly 228 and the stop pin assembly connector 248 in relation to the hinge stabilizer bars 240a, 240b. As discussed in the specification, by rotating the stop pin assembly 228, the door plate 104 can either: 1) be permitted to hinge freely about hinges 124a, 124b; or 2) be permitted to rotate just slightly before its rotation is stopped by the stop pin assembly 228 and requiring that the car door be opened vertically. Applicant respectfully submits that the drawings are in compliance and requests withdrawal of the objection to the drawings.

Oath/Declaration

4. A new Oath or Declaration is required because the priority document is incorrect. A replacement Oath and Declaration with a corrected priority reference is being submitted with this Response.

Claim Rejection - 35 U.S.C. § 102

5. Claims 1-2, 8-9, 12-15, 23-24 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 3,628,216 ("Savell").

Applicant's invention as claimed in amended **claim 1** includes as claim elements:

a lift arm rotatably connecting the door to the vehicle body, such that said lift arm imparts upward rotational movement to the door relative to the vehicle body as upward pressure is applied to said lift arm;

a hinge assembly connecting the door to said arm, such that the door pivots horizontally about said hinge assembly as outward pressure is applied to a trailing edge of the door; and

a means for selecting whether the door opens horizontally by pivoting about said hinge assembly or opens vertically as a result of said arm imparting upward rotational movement to the door relative to the vehicle body

Savell does not teach or disclose either: 1) a lift arm that imparts upward rotational movement to the door relative to the vehicle body; or 2) a means for selecting whether the door opens horizontally or vertically. Instead, Savell teaches only an alternative means for opening a door in a conventional manner, i.e., horizontally. *See Abstract* (Upon the proper outwardly tilted attitude being reached, upper and lower hinge pintles become axially aligned and provide a hinge axis about which *the door is swingable in a conventional manner, as about a substantially vertical hinge axis*).

Claim 2 has been canceled.

Claims 8, 9, and 13 depend directly from claim 1 and include the same elements which as discussed above are not taught or disclosed by Savell.

Claim 12 has been canceled.

Claim 14 includes the lift arm discussed above which is not present in Savell, and **claims 15 and 24** depend from claim 14 thereby containing the same element.

Claim 23 has been canceled.

For the foregoing reasons, Applicant respectfully submits that Savell does not anticipate these claims. *See* MPEP 706.02 (for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention). Withdrawal of the 102(b) rejection in light of Savell is respectfully requested.

6. Claims 1-3, 8-9, 13-16 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 2,178,908 (“Hudson”). Hudson pertains to a situation in which a convex door is opened from a convex frame. In order to overcome the problems presented by the convex nature of the door and frame, Hudson teaches a means for opening a door by first displacing it outward and then rotating it in a conventional manner. *Hudson*, p. 2 col. 1 beginning at 57 - col. 2 line 19. Hudson therefore does not teach or disclose a lift arm imparting upward rotational movement to the door relative to the vehicle body, or a means for selecting whether the door opens vertically or horizontally as claimed in Applicant’s **claim 1**. Applicant respectfully submits that Hudson therefore does not anticipate claim 1.

Claim 2 has been canceled.

Claims 3, 8-9, and 13 all depend from claim 1 and therefore contain at a minimum the same elements as claim 1. Because Hudson does not anticipate claim 1, it likewise does not anticipate claims 3, 8-9, or 13.

Claims 14-16 each include the lift arm element discussed above with regard to claim 1. Because Hudson does not teach or disclose this element, Hudson does not anticipate claims 14-16.

For the foregoing reasons, Applicant respectfully submits that Hudson does not anticipate these claims. *See* MPEP 706.02 (for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention). Withdrawal of the 102(b) rejection in light of Hudson is respectfully requested.

7. Claims 1-3, 8-12, 14-16, and 21-23 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 3,589,069 ("Lecomte"). Lecomte teaches a means for opening a car door vertically, but it does not teach or disclose a means for also opening the door horizontally and a means for selecting whether the door is opened horizontally or vertically.

As discussed above, Applicant's amended **claim 1** includes, among other things, a means for selecting whether the door opens horizontally by pivoting about said hinge assembly or opens vertically as a result of said arm imparting upward rotational movement to the door relative to the vehicle body. Because Lecomte does not teach or disclose this element, Lecomte does not anticipate claim 1.

Claim 2 has been canceled.

Claim 3 and **claims 8-11** depend from claim 1 and include the selecting means element.

Claim 12 has been canceled.

Claim 14 has been amended to include the selecting means discussed above relating to claim 1. **Claim 15** has been canceled. **Claim 16** depends from claim 14 and thus also includes as an element the selecting means.

Claims 21 and **22** both depend from claim 14 and include the selecting means element.

Claim 23 has been canceled.

For the foregoing reasons, Applicant respectfully submits that Lecomte does not anticipate these remaining claims. *See* MPEP 706.02 (for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention). Withdrawal of the 102(b) rejection in light of Lecomte is respectfully requested.

8. Claim 25 stands rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 2,374,697 ("Palisano"). By the foregoing amendments, claim 25 has been canceled.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn.

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Appl. No.10/719,380

Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

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